

**PETTY LARCENY
DEFERRED JUDGMENT INFORMATION SHEET**

If you have been charged with the crime of petty larceny, (contrary to Section 5.42.010 of the Code of the City of Wichita), you may be eligible for consideration for the City of Wichita Petty Larceny Deferred Judgment Program if:

You have never been convicted of such a crime, or a similar crime in this or any jurisdiction.

You have never participated in a Diversion or Deferred Judgment Program for a similar offense.

You **must** apply for Petty Larceny Deferred Judgment **within 30 days** from your initial appearance for such a crime.

If your application for Deferred Judgment is accepted, you must enter a plea of guilty to the charge(s) against you. The City will then ask the Court to defer judgment and sentence on that plea for a period on one year. In return, you must do the following:

1. PAY ALL COSTS, FEES AND FINES:

Fine	\$50.00
City Deferred Judgment Fee.....	\$75.00
<u>Court costs.....</u>	<u>\$50.00</u>
TOTAL	\$175.00

You will be responsible for all additional court costs incurred during the course of your case.

**THE TOTAL AMOUNT MUST BE PAID IN FULL AT THE TIME
THE PETTY LARCENY DEFERRED JUDGMENT AGREEMENT IS SIGNED.**

2. Agree to waive your constitutional rights to a formal arraignment and a jury trial on the charges against you.
3. Attend and successfully complete the Correctional Counseling of Kansas Shoplifting Program, Sedgwick County Special Services Building, 635 North Main, Wichita, Kansas.
4. Make full restitution to the victim in your case.
5. Violate no laws of any City, State, or of the United States.
6. Any other conditions deemed appropriate.

Application forms for Petty Larceny Deferred Judgment are available in the Municipal Court Clerk's office – 2nd floor, City Hall, 455 North Main, - and must be filed with the same office.

At the time you file your application, you will be given a date to appear in court. Failure to appear at this court date will result in the denial of your application for Petty Larceny Deferred Judgment.

In considering whether the defendant should be placed in the Petty Larceny Deferred Judgment Program, the City Attorney shall consider the following factors:

1. The nature of the crime charged and the circumstances surrounding it;
2. Any special characteristics or circumstances of the defendant;
3. Whether the defendant is a first-time offender and if the defendant has previously participated in diversion or deferred judgment program in any jurisdiction;
4. Whether there is a probability that the defendant will cooperate with and benefit from the deferred judgment program.
5. Whether the available deferred judgment program is appropriate to the needs of the defendant;
6. The impact of the deferred judgment of the defendant upon the community;
7. Recommendations, if any, of the involved law enforcement agency;
8. Recommendations, if any, of the victim;
9. Provisions for restitution;
10. Any mitigating circumstances;
11. Recommendations of the Deferred Judgment Coordinator;
12. Prior psychological, psychiatric and chemical treatments or counseling programs;
13. Criminal history; and
14. The interest of justice.

If you successfully complete the Petty Larceny Deferred Judgment Program, after one year you may make a motion to the Municipal Court to withdraw your plea of guilty to the charges against you. At that time, the City Attorney will dismiss the charges with prejudice. If you fail to complete the requirements of the Petty Larceny Deferred Judgment agreement, the City Attorney will request a hearing at which time he or she will ask the Court to remove you from the program. If after hearing the evidence the Court does remove you from the program, the Court will then proceed to impose judgment and sentence against you based upon your prior plea of guilty.